

### SECTION: REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

#### **1. Summary of the Office Action.**

Claims 1, 4-7, and 9-15 were pending.

Claims 1, 4-7, and 9-15 stand rejected under 35 U.S.C §112, second paragraph.

Claims 1, 4-7, 9 and 11-13 stand rejected under 35 U.S.C §102(b) over Seiler (5,593,024)

Claims 10 and 15 stand rejected under 35 U.S.C §102(b) over Seiler

Claim 14 stands rejected under 35 U.S.C §103(a) over Seiler

#### **2. Discussion.**

#### **CLAIM REJECTIONS UNDER SECTION 112, SECOND PARAGRAPH**

**Claims 1 and 12** have been amended to overcome this rejection. The examiner is thanked for pointing out the noted indefiniteness and informality and corrective amendments have been made. Claim 1 is not intended to positively recite eyeglasses. New independent claim 16 now positively recites eyeglasses in combination with a protective case in a method of using the combination. It is

believed that the claims particularly point out and distinctly claim the subject matter which applicant regards as the invention. Withdrawal of the rejection is believed to be in order.

## **CLAIM REJECTIONS UNDER SECTION 102**

**Claims 1,4-7, 9, 10 and 11-13 and 15** were rejected under 35 USC §102 as being anticipated by Seiler.

Seiler does not meet each and every limitation set forth in the claim. Independent claims 1 and 15 each require: (1) a bow aperture for exterior extension of an internally disposed eyeglasses bow, and (2) that such bow extension be complete, such that the entire bow is accessible on the exterior. In contrast, Seiler shows a device in Figs 5-8: (1) with a bow aperture for internal insertion of an externally disposed bow, and (2) wherein the bow is only partially inserted. This is completely strange to applicant's invention. The examiner proposed that the Seiler invention could be operated such that a bow is inserted oppositely from the direction shown in the drawing figures of Seiler and obtain the same result as the claimed invention. Applicant respectfully submits that such a modification of the teachings of Seiler is not suggested in Seiler or any other art of record, and moreover that such modification is not possible. Referring to the **Declaration under Section 132**, which is incorporated by reference, Applicant obtained a specimen of a product made and sold under the Seiler patent, tested it, and found that the proposed operation would render the device disclosed in Seiler inoperative for its intended use or any other reasonable use. As the reference relied upon does not describe each and every limitation of claims 1 and 15 respectively, withdrawal of this rejection is believed to be warranted.

**Claim 16** is a new independent claim directed to a method of using eyeglasses and a cover to extend the entirety of a bow of the eyeglasses from the interior to the exterior of the cover. The claimed

combination of process steps is not disclosed, suggested or made obvious by the applied art, and is therefore believed to be patentable.

**Claims 4-7 and 9-14.** These claims are all dependent upon claim 1; each such claim adds at least one limitation to the elements of the base claim and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason.

### **3. Conclusion.**

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

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Respectfully submitted,



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6-7-04

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